

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HERMAN BRADFELD,

Defendant-Appellant.

UNPUBLISHED

July 17, 2003

No. 239300

Wayne Circuit Court

LC No. 99-004161-01

Before: Hoekstra, P.J., and Fitzgerald and White, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial conviction of guilty, but mentally ill, of second-degree murder, MCL 750.317. The trial court sentenced defendant to five to twenty years' imprisonment. We affirm.

Defendant's sole argument on appeal is that the trial court erred in finding defendant guilty, but mentally ill, of second-degree murder. In essence, defendant argues that there was insufficient evidence to support his conviction.

When reviewing a challenge of the sufficiency of the evidence in a bench trial, this Court must view the evidence in the light most favorable to the prosecution to determine whether there is sufficient evidence to justify a rational trier of fact to find guilt beyond a reasonable doubt. *People v Legg*, 197 Mich App 131, 132; 494 NW2d 797 (1992). Also, a trial court's findings of fact in a bench trial are reviewed for clear error, giving regard "to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." MCR 2.613(C). A finding of fact is clearly erroneous if, after review of the entire record, this Court is left with a definite and firm conviction that a mistake has been made. *People v Hermiz*, 235 Mich App 248, 255; 597 NW2d 218 (1999).

"The elements of second-degree murder are: (1) a death, (2) caused by an act of the defendant, (3) with malice, and (4) without justification or excuse." *People v Goecke*, 457 Mich 442, 463-464; 579 NW2d 868 (1998), citing *People v Bailey*, 451 Mich 657, 669; 549 NW2d 325 (1996). In the present case, defendant challenges the trial court's factual finding concerning the second element, namely that defendant caused the victim's death.

At trial, the prosecution presented evidence that the victim, defendant's wife, died from multiple blunt force trauma. The Chief Medical Examiner for Wayne County testified that an

autopsy revealed that at the time of her death, the victim had three fractured ribs, which required considerable force to be inflicted, a head injury, and bruising and lacerations on her body, all caused by impact with a blunt object within twenty-four hours before her death. Detroit police officers testified that upon arrival at the apartment of defendant and his wife (the victim), the door was locked, but one officer located defendant near the back exit of the apartment building and brought him back to the apartment, where defendant unlocked the door for the officers. The officers testified that they found on the living room floor the victim's body, which was naked, bloody, and covered in bruises, and a broken metal table-leg and a fire extinguisher. They testified that they observed blood splattered on the apartment's floor and walls. The officers described the apartment as looking ransacked and indicated that defendant's shirt appeared to have blood on it. According to one officer, defendant advised him that he had been home all day sleeping, from 1:00 a.m. until the time he had called for medical help for his wife after 4:00 p.m. Viewing this evidence in a light most favorable to the prosecution, sufficient evidence was presented from which a rational trier of fact could conclude that the prosecution had proven beyond a reasonable doubt all the essential elements of second-degree murder, including the challenged element, i.e., that defendant was the perpetrator of his wife's murder.¹ Accordingly, the trial court did not clearly err in so finding.

Affirmed.

/s/ Joel P. Hoekstra
/s/ E. Thomas Fitzgerald
/s/ Helene N. White

¹ To the extent that defendant asserts that the evidence that the prosecution introduced was insufficient because it consisted solely of circumstantial, rather than direct, evidence, his argument is without merit. Circumstantial evidence and the reasonable inferences drawn from that evidence may be sufficient to prove the elements of the crime. *People v Truong (After Remand)*, 218 Mich App 325, 337; 553 NW2d 692 (1996).